IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.3547 OF 1989

M/s.Super Electronics ..Petitioner.

V/s.

Union of India & Anr. ..Respondents.

Mr.Prakash Shah i/b. D.S.K. Legal for petitioner.

Mr.P.S.Jetly with R.C.Master & H.V.Mehta for respondents.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 15TH MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and the respondents. The issue sought to be raised in this petition is squarely covered by the decision of the Apex Court in the case of the petitioner itself in **Super Electronics V/s. Collector of Customs, Bombay** reported in **2003 (153) E.L.T. 254 (S.C.)**, wherein the Apex Court has negatived the contention of the petitioner that the Optical disc drives were permissible for import as OGL item.

2. The Supreme Court also held that the subject

goods covered therein were under Entry No.176, Appendix 2, Part B of ITC policy 1990-93 which is equivalent to Entry No.149, Appendix 2, Part B of 1989-91 so far as goods invol,ved in this petition are concerned. The Apex Court considering the bona fides of the petitioner, Court had reduced the redemption fine from Rs.3,00,000/- to Rs.1,00,000/- and penalty was reduced from Rs.50,000/- to Rs.25,000/-. Applying the same principles, finding bona fides of the petitioner, we also reduce the redemption fine from Rs,18,00,000/- to Rs.9,00,000/- and penalty from Rs.2,00,000/- to Rs.1,00,000/-.

2. Petitioner is, thus, directed to pay this aforesaid reduced amount within a period of 8 weeks from today, failing which it shall carry further interest @ 12% p.a. till the entire amount is paid or recovered.

3. Accordingly, the petition stands disposed of in the above terms. Rule is partly made absolute with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)